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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JANET LYNN FOSTER, an individual,

Plaintiff,

vs.

GNLV, CORPORATION dba GOLDEN
NUGGET LAS VEGAS HOTEL AND CASINO,
a domestic corporation; DOE EMPLOYEE;
DOES I through XXX, inclusive and ROE
BUSINESS ENTITIES I through XXX,
inclusive,

Defendants.

Case No.: 2:17-cv-02294-RFB-GWF

**Stipulation and Order to Re-Open Discovery
and Extend Pre-Trial Deadlines
(First Request)**

Plaintiff, JANET LYNN FOSTER (“Plaintiff”) and Defendant GNLV, CORPORATION dba GOLDEN NUGGET LAS VEGAS HOTEL AND CASINO (“Defendant”), by and through their undersigned counsel of record, hereby stipulate to reopen discovery for a period of 90 days and extend pre-trial deadlines, pursuant to LR 6-1 and LR 26-4. This is the parties’ first stipulation to reopen discovery and extend pre-trial deadlines. The parties have not previously requested an extension of discovery.

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I. DISCOVERY COMPLETED TO DATE

- Plaintiff served her Fed. R. Civ. P. 26 initial disclosure of witnesses and documents, and served two supplements thereto.
- Defendant served their Fed. R. Civ. P. 26 initial disclosure of witnesses and documents, and served three supplements thereto.
- Defendant served Plaintiff with written discovery requests, and Plaintiff has served responses thereto.
- Plaintiff served Defendant with written discovery requests, and Defendant has served responses thereto.
- Defendant has taken the deposition of Plaintiff.
- Plaintiff has taken the deposition of Defendant's employee and security officer Noel Vega.

II. DISCOVERY SCHEDULED, BUT NOT YET COMPLETED

Prior to the close of discovery, Plaintiff served timely notices of deposition of the following witnesses:

- Defendant's Corporate Representative/30(b)(6) Designee as to eight (8) specified topics;
- Security officer, Joel Marrufo;
- Security officer, Brian Hickok;
- Eyewitness, Colleen Ferguson; and
- Plaintiff's orthopedic surgeon, Dr. Kevin Vanden Berge.

However, the parties experienced difficulty securing dates for several witnesses. This was not due to a lack of diligence on the part of counsel, but rather due to the limited availability of the witnesses and other logistical issues surrounding their depositions. The parties have long agreed that, in light of these issues, those depositions timely noticed would be completed even if beyond the original discovery cutoff date.



III. GOOD CAUSE AND EXCUSABLE NEGLIGENCE NECESSITATING RELIEF

The parties have been working together since January to coordinate the depositions of the various remaining parties, but have experienced difficulty throughout the process. For instance, prior to noticing the deposition of Plaintiff's surgeon, Dr. Vanden Berge, the parties sought to obtain complete and updated copies of the corresponding treatment and billing records. However, Dr. Vanden Berge practices out of a small hospital in a small town in central Texas (Stephenville), thus obtaining all such records required several requests and follow-ups. Thereafter, noticing Dr. Vanden Berge's appearance for deposition took several additional weeks. (This deposition has since been set and confirmed.)

Similar difficulties were encountered in coordinating the deposition of nonparty witness Colleen Ferguson, who also resides in Texas. Compounding matters, two of the three Golden Nugget employees identified in the incident report no longer work for Golden Nugget and thus could not be immediately located and produced for deposition. However, counsel has continued to work together to resolve each of these issues, and the parties are positioned to complete all necessary discovery within additional time period requested.

The parties are very cognizant of the Court's rules regarding extensions of discovery and the deadlines imposed for seeking the same. Admittedly, an extension of discovery would have been preferable to the instant stipulation to reopen. Nevertheless, the parties emphasize that they did not previously request any extensions of the discovery period or of the pretrial deadlines. The parties further emphasize that they have worked together at all phases to conduct discovery in an efficient and accommodating manner, and will continue to do so to ensure that all such tasks are completed within the additional discovery period requested. The parties respectfully submit that this stipulation is being submitted in good faith and not for improper or dilatory purposes. This stipulation does not seek to reopen expert deadlines.

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VI. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY

The parties hereby submit the following proposed schedule for completing all remaining discovery:

- (1) Initial expert disclosures: CLOSED
- (2) Amending pleadings or adding parties: CLOSED
- (3) Rebuttal expert disclosures: CLOSED
- (4) Interim Status Report: CLOSED
- (5) Discovery cutoff: **Friday, May 18, 2018**
- (6) Dispositive motions: **Monday, June 18, 2018**
- (7) Pretrial order: **Wednesday, July 18, 2018**

DATED this 2nd day of April, 2018.

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/s/ Joseph C. Chu, Esq.

JOSEPH C. CHU

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Attorneys for Plaintiff Janet Lynn Foster

DATED this 2nd day of April, 2018

PYATT SILVESTRI

/s/ Richard J. Pyatt, Esq.

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*Attorneys for Defendant GNLV Corporation
dba Golden Nugget Las Vegas Hotel & Casino*

ORDER

Based upon the foregoing Stipulation to Re-Open Discovery and Extend Pre-Trial Deadlines (First Request):

1. The close of discovery shall be extended to **Friday, May 18, 2018**.
2. The deadline for filing dispositive motions shall be extended to **Monday, June 18, 2018**.
3. The deadline for filing the pretrial order shall be extended to **Wednesday, July 18, 2018**.
4. All other discovery and pre-trial deadlines shall remain unchanged.

DATED: _4-3-2018 _____

IT IS SO ORDERED.

George Foley Jr.

UNITED STATES MAGISTRATE JUDGE